

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**COMMONWEALTH SCIENTIFIC AND  
INDUSTRIAL RESEARCH  
ORGANISATION,**

*Plaintiff,*

**V.**

**LENOVO (UNITED STATES) INC., ET AL.,**

***Defendants.***



Case No. 6:09-cv-399 (LED)<sup>1</sup>

## ORDER GRANTING DISMISSAL WITH PREJUDICE

Before the Court is the Agreed Motion to Dismiss, submitted by Commonwealth Scientific Industrial Research Organisation (“CSIRO”) and Acer Inc., Acer America Corporation, Gateway, Inc., Lenovo (United States) Inc., Lenovo Group Limited, Lenovo Holding Company, Inc., Sony Corporation, Sony Corporation of America, Sony Electronics Inc., SBC Internet Services, Inc., AT&T Mobility LLC, Wayport, Inc. d/b/a AT&T Wi-Fi Services, T-Mobile USA, Inc., Cellco Partnership d/b/a Verizon Wireless (collectively the “Customer-Defendants”). After consideration of the motion, the Court is of the opinion that it should be GRANTED on the following terms:

1. CSIRO agrees to dismiss all claims against each of the Customer-Defendants with prejudice;
2. Each of the Customer-Defendants agrees to dismiss all counterclaims against CSIRO with prejudice;

<sup>1</sup> Consolidated case including: Case No. 6:09-cv-399; Case No. 6:09-cv-400; Case No. 6:09-cv-401; Case No. 6:09-cv-513; Case No. 6:10-cv-65; Case No. 6:10-cv-66; Case No. 6:10-cv-67.

3. CSIRO covenants not to sue the Customer-Defendants and their respective affiliates (an entity is an "affiliate" if the entity is at least 50 percent owned (directly or indirectly) by the Customer-Defendant or the entity owns (directly or indirectly) more than a 50 percent share of the Customer-Defendant), and their customers, distributors, officers, directors and agents for infringement of U.S. Patent No. 5,487,069 (including any U.S. parent, provisional, counterpart, divisional, continuation, continuation-in-part, reexamination or reissue thereof) where such infringement is based on manufacture, use, sale, offer for sale, import or export in the United States of a product of the Customer-Defendant; and
4. All costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring the same.

IT IS THEREFORE ORDERED that the above-entitled cause and all claims made by CSIRO against each of the Customer-Defendants and all claims made by each of the Customer-Defendants against CSIRO therein are hereby DISMISSED with prejudice under the foregoing terms.

**So ORDERED and SIGNED this 29th day of March, 2012.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**